

## EXHIBIT C

Date: Mon, 13 Feb 2006 18:01:52 -0500  
Thread-Topic: Carousel queries  
Thread-Index: AcYujB+ZhpKB694DS6Ghz7k13kbHHgCY6C3I  
From: "Claire Weisz" <claire@wystudio.com>  
To: "Barbara Broughel" <broughel@earthlink.net>  
Cc: "Katie Dixon" <katie@wystudio.com>  
X-ELNK-AV: 0  
X-ELNK-Info: sbv=0; sbrc=.0; sbf=0b; sbw=000;

Dear Barbara;

Perhaps we should look at first principles here. In this conceptual phase when it comes to the figures you are master of your own process and definitions. We pursued and verified the issues vis a vis material ratings so that should not be a stumbling block. You have met with Scenic Technologies and they will bring the resin type samples with them on Thursday to present and to determine with you how to move forward. Personally I feel that there are many issues in addition to materiality, scale, form, species groupings that could be explored which is where the suggestions for drawings were coming from, but again it is really yours to determine.



We have a check for you here (we got the Conservancy's check on Friday) how can I get it to you . Mail? Also we will be emailing an agenda for the show/ride presentation to the Conservancy on Thursday tomorrow so be on the lookout for it.

Best,

Claire

-----Original Message-----

From: Barbara Broughel  
[<mailto:broughel@earthlink.net>mailto:broughel@earthlink.net]  
Sent: Sat 2/11/2006 7:50 AM  
To: Claire Weisz  
Subject: RE: Carousel queries

>Barbara

>It turns out that there was a lot of back and forth over the parameters  
>for selecting which resins could be used so Katie held off on your  
email.

> But I think you should be explaining what you need, how big

>should the plastic samples be?

WE ALREADY DISCUSSED ALL OF THESE ISSUES AT OUR MEETING LAST MONDAY.

WE WILL START OUT WITH SMALL SAMPLES AND WORK OUR WAY UP TO LARGER ONES. SAMPLE SIZE WILL BE BASED ALSO, IN PART, ON THE COST OF THE MATERIALS

>Have you given Katie to give to PRG any

>descriptions/photos of the effects you are looking for? Solidity, opacity, types of textures, types of embedments?

YES. THEY HAVE DRAWINGS FOR 3 FISH TEXTURES FOR DAY/NIGHT OPACITIES, AND WE'VE DISCUSSED THESE IDEAS MORE THAN ONCE NOW. FOR ME THE NEXT LOGICAL STEP IS TO PROCEED WITH SAMPLES. WE ALL AGREED THAT IT'S PROBABLY NOT THE BEST USE OF OUR TIME TO PURSUE MORE DRAWINGS UNTIL WE CAN SEE WHAT OUR OPTIONS ARE THROUGH PHYSICAL SAMPLES.

>I would suggest you get us some drawings as soon as possible, since I am  
>assuming you have been working on them.

I'M NOT SURE WHAT DRAWINGS YOU ARE REFERRING TO OR YOU NEED. I WILL GET YOU THE 38" LAYOUT, AND AN ILLUSTRATION FOR FIGURE ELEMENTS FOR THE 5' CENTER AREA. I DO PLAN TO PRINT SKIN SAMPLES AT SCALE FOR MAKING TESTS WITH. WHAT ELSE WOULD YOU LIKE?

>We should all meet with Jake

>together once you have your drawings done and some visuals so that we  
>can see how it works with the whole. Let Katie know and she will book  
>the meeting.

I FEEL I AM READY FOR A MEETING WITH THE DRAWINGS I HAVE. WHAT ELSE WOULD I NEED?

>I know that PRG/Scenic intends to have a proposal/drawings for a  
>turntable and hopefully some plastic samples for the work session on the  
16th.

LET ME THINK ABOUT IT.

ASIDE FROM THE FACT THAT I AM DOING ONGOING SPECIES RESEARCH, I  
FEEL  
WHAT I NEED TO DO IMMEDIATELY IS TO MEET WITH JAKE AND TO  
PRODUCE  
SAMPLES, BEFORE PROCEEDING FURTHER WITH SPECIES SELECTIONS  
AND  
DRAWINGS OF INDIVIDUAL SEA-LIFE FORMS.

HAVING SAID THAT, I CAN MAKE MORE DRAWINGS IF YOU WISH. PLEASE  
SPELL  
OUT WHAT YOU WANT DRAWINGS OF.

THANKS,

B

> I hope we can  
>start getting some manipulated samples as well.  
>We are still waiting for the check to arrive but they said it got mailed  
>yesterday.  
>  
>Best,  
>Claire  
>  
>  
>-----Original Message-----  
>From: Barbara Broughel  
[<mailto:broughel@earthlink.net>mailto:broughel@earthlink.net]<br/>  
>Sent: Thursday, February 09, 2006 6:22 AM  
>To: Claire Weisz  
>Cc: Katie Dixon  
>Subject: RE: Carousel queries  
>  
>So far no e-mail info from Katie, and until now, I did not have the  
>go-ahead to communicate with them directly. I am therefore not  
>sure what is possible for the 16th, though I am happy to try for  
>something by then.

>  
>I will get the 38' layout to you (how detailed?), and some studies  
>for the 5' center area, and the lists you request. Are there dates  
>you need these by?  
>  
> I plan to set up a meeting with Jake ASAP and presume that's OK.  
>  
>If you're around on the weekend I could pick up a check then, or maybe  
>they can send it to me directly.  
>  
>B  
>  
>  
>  
>>Dear Barbara;  
>>  
>>I would have handed you the check but The Battery's accountant hadn't  
>>sent it, it is apparently being cut tomorrow. I am anxious as well for  
>>you to be working with PRG so I hope you got the plastics guy's email  
>>from Katie. Ideally you and PRG can make it happen to get some samples  
>>for the 16th. Also what about that list you were working on that showed  
>  
>>what you were producing and what you needed the fabricator to produce?  
>>  
>>As I said about the ride issues, they are unfolding and I would just  
>>keep working and exploring from the figure elements right now the  
>>center is 5' in diameter and will hold something. Maybe you could do  
>>some studies of what you are proposing. Also can we get a current plan  
>>of the figure layout at 38' across for our work?  
>>  
>>  
>>Best,  
>>Claire  
>>  
>>-----Original Message-----  
>>From: Barbara Broughel  
[<mailto:broughel@earthlink.net>mailto:broughel@earthlink.net]  
>>Sent: Wednesday, February 08, 2006 3:07 AM  
> >To: Claire Weisz  
>>Cc: Katie Dixon  
>>Subject: Carousel queries  
>>  
>>Hi Claire,  
>>  
>>I gave a couple of invoices to Katie on Friday, as she was not sure  
>>if you would be able to make it to the meeting. If we are to meet

>>mail it to me either in Connecticut or New York. Let me know if you  
>>need an address.

>>  
>> I thought Friday's meeting went well. I am presuming this week we  
>>are not meeting, since you will be meeting with the Parks Department on  
>  
>>Thursday, and will probably have your hands full with that.

>>  
>>Nevertheless, this week I could be accomplishing something on the  
>>plastics front. I am anxious to get started w/ PRG on the samples.  
>>I should point out that, although they seem promising, I still have no  
>>concrete reason to believe they can do what we are asking, and the  
>>reasons to move forward with them ASAP are numerous. Please let me  
>>know what the protocol is re: working with them directly. Waiting for  
>>Katie to talk to someone and then get back to me has been an extremely  
>>inefficient system, and while I understand there was some logic to  
>>that, I would like to move past that now if we could.

>>  
>>It was valuable for me to finally see what Jake is working on. I  
>>would like to meet with him to discuss/brainstorm about several  
>>things...

>> -species/images in the films (he and I have already discussed  
>doing  
>>this)

>> -how projectors are positioned, and whether they might impact in  
>any  
>>way on the floor-scape

>> visually or otherwise  
>> -whether projector location-sites should be incorporated,  
>sculpturally

>>into the floor-scape

>> (which I imagine maybe they should)

>> -whether and how a soundscape might relate to the film imagery

>>  
>>If we can be definite at this point about the turntable I would like to

>  
>>begin thinking about the whole layout now as one open floor-scape,  
>>with an incorporated audio delivery system for the soundscape  
>>component. An open room format will go far in alleviating my concerns  
>>about riders only seeing the behinds in front of them, and not seeing  
>>the other sea-life forms as we discussed last week.

>>Are we certain that a turntable design allows us to eliminate the  
>>center column?

>>  
>>Also, while I realize there are several legitimate concerns about upper

>>"chandelier" elements, I would appreciate it if we did not altogether

>>rule out the possibility yet.

>>

>>Are you planning to have regularly scheduled meetings? Are you  
>>planning on a specific day/time each week? If so, and you know what  
>>that is, I would love to know.

>>

>>If you need address info, you can call me at 203 682-4556 or at 212  
>>3253-3770

>>

>>Thanks,

>>

>>B

Barbara Broughel  
303 East 8th Street #5F  
New York, NY 10009

Warrie Price  
The Battery Conservancy  
1 New York Plaza, Concourse  
New York, NY 10004

3/26/06

Dear Warrie,

I know you care as much as I do about the carousel being a great success, and it is in that spirit that I want to bring to your attention a few things which are of concern to me about the fabrication process as it has unfolded throughout this design phase.

For the purposes of the artist, working on fabrication of a figure for the design development phase was 3-fold: 1st, to allow the artist the opportunity to produce plastics, skin and lighting samples for developing designs for the carousel figures; 2nd, to allow the artist the opportunity to vet a fabricator (or fabricators) who might be used in the production of the carousel figures; and 3rd, to produce a 1:1 prototype model to be used for fundraising for the carousel

I have been requesting since November 5th, 2005 to begin production with PRG on tests so that design concepts could be consummated and worked through before fabrication began on the full 1:1 prototype. For reasons which have never been clarified, the fabricator did not engage the Design Development process until 3 1/2 months later, on February 21st, 2006... around the same time that it was announced that April 23rd would be an absolute deadline for the fabrication of the 1:1 model needed for fundraising.

I was told in early March that the Conservancy's priority was to have a 1:1 mock-up, even if it could not be a real prototype to the artist's specifications, and that PRG would still go through the sample-making process with the artist. James Lehner assured me on several occasions that the artist would be brought in at every important juncture to oversee the fabrication process.

Later, when it was determined that the Conservancy wanted a full figure, in full color and lighted, I was told through W+Y's office that it would somehow not be possible for PRG to meet the April 23rd deadline and simultaneously accommodate the artist's requirements to produce tests for the skin/lighting samples or to oversee the fabrication process at all.

Therefore, these two aspects of design development most important to the artist's process, namely the ability to produce sample tests, and the ability to vet the fabricator as a potential production partner, have been usurped by the way this process has now been set in motion.

Clearly, these aspects of the design development phase will still need to take place. I have carefully designed concepts for the skin and the lighting in such a way that they are to work in tandem with one-another. I have researched materials, purchased materials and prepared samples for the embedment process. To run the tests I have designed during specific phases in the process would not take more than a few minutes of the fabricators' time, and to allow the artist to be present during the modelling, the embedment and the lighting phases would not require any additional time at all.

To proceed with a prototype which does not reflect these concepts as I intend them, or the inlay processes as I intend them, or the lighting processes as I intend them, is in my opinion, an incredibly wasteful use of this opportunity, and guarantees that the 1:1 model they produce is doomed to be an interpretive cartoon mock-up of the artist's intention rather than an actual properly modeled, properly inlaid and properly lighted

artist's prototype. It also suggests either an ignorance of, or a willful disregard for the role of the artist on the project.

I do not see the logic and I don't see where it benefits anyone to go about this this way. Nor do I see how it could benefit the Conservancy to have a model which cannot possibly meet the artist's approval for the fundraising process.

PRG claims all production with the artist must take place later, and that as a prerequisite to the fabrication of the actual figures, an "actual" 1:1 prototype to the artist's specifications will be manufactured. To produce such an "actual" prototype later, rather than right now, as part of this process, seems patently absurd, and an extravagant waste of time, money and other resources.

This also means that it will not be possible to determine whether PRG can meet the minimum requirements for a fabricator on the figures. James assures me that the design development I am requesting, and the oversight I will need to have over fabrication can be done during the actual production phase. The problem with this rationale is that it presumes a) that we can take PRG at their word on this, and b) that we will enter into a production agreement with them, before ascertaining whether they are a capable partner. The only alternative to these options would be to have a separate, additional design phase with them, separate from any contract to fabricate the figures.

Based on what I have seen so far, I have no reason to assume that PRG has the ability to either work with an artist, or the skill level to execute the work.

So far they have misrepresented to me at almost every level, what I could expect from them... starting with the scheduling of the work, their ability to work cooperatively, their costs (which seem to ever-escalate), and (I am afraid) ending with the final product. To date, I have provided this fabricator with everything they have needed from me, and they have provided me with nothing I have needed from them. Such a track record is not impressive for selecting them to fabricate the figures on this project.

The artist's job is not only designing, but also overseeing the quality of the production on the pieces, and I fully intend to do my job.

Would it make sense for an architect to work with a builder who would not allow the architect to oversee the building as it progressed? Of course not, and in fact to do so would be a gross neglect of the architect's responsibility.

Would it make sense for an architect to let a builder interpret their designs any way the builder chose? Obviously not.

Similarly, as the artist designing and supervising the fabrication of the figures, I must work with a fabricator who recognizes my role, does not feel free to "interpret" my designs as they choose, and who will let me do my job of oversight. To do anything else would be unacceptable and irresponsible.

Although I think there is still some potential to work together, in my opinion, actions speak louder than words, and PRG should have made every effort (and still can) to respond to the requests I have made between now and April 23rd, so there is the possibility for us to ascertain whether they are a capable partner for this work.

I have sent James Lehner a letter outlining what my minimum requirements will be for a fabricator on this project. I am enclosing a copy of that letter with this correspondence.

I would appreciate a meeting as soon as possible with the Conservancy to discuss these concerns, with the goal of arriving at a positive and workable solution.

James Lehner  
PRG/ Scenic Technologies  
539 Temple Hill Road  
New Windsor, NY 12553

3/26/06

Dear James,

I appreciate the opportunities I have had so far to visit PRG to see your facilities and to work with you, your staff and your subcontractors.

As you may know, I was chosen, through an artist selection process, to design and supervise the fabrication and installation of 26+ sealife forms and sculptures for the new aquarium carousel in Battery Park.

In order to perform my job and produce this body of work I will have the following minimum requirements of any fabricator I work with:

- 1) the ability to supervise all modelling between the styrofoam and final clay stages (including the ability to personally do the modelling on eyes)
- 2) the ability to supervise all embedment/painting processes during and after the resin inlay /plastics pouring stages
- 3) the ability to supervise all lighting installation stages.

Additionally I will require the opportunity for a design development phase with the appropriate fabricators and sub-contractors to include experimentation with all plastics, embedment materials, transparent paints and lighting elements.

I will need to be able to directly communicate with all fabricators and sub-contractors on an as-needed basis, communicate with engineering staff as needed with regard to armature, weight-bearing, code and ride mechanism issues, and supervise the final installation of the figures and sculptural elements into the carousel.

I imagine this will take a minimum of 4 days of my time per figure (possibly more, especially at the beginning). My goal will be to spend as little time as possible on oversight as I become increasingly comfortable with my fabricators and their ability to understand my intentions and my goals.

All work will need to be done to my specifications, without interpretation or embellishment.

If you or your subcontractors cannot meet the minimum requirements I have outlined above, please inform me as soon as it is possible to do so, so that we may move forward in the selection of a suitable working partner on the fabrication of the figures for this exciting new project.

I look forward to the possibility of working together.

Sincerely,

Barbara Broughel

Hi Pat,

Thanks again for your help in setting up yesterday's meeting.

I thought it might be helpful to pare down and briefly list the areas of concern I outlined:

- get artist into the process at PRG. (ASAP)
- pay artist for design development
- provide for different liaison between artist and Conservancy
- arrange for artist to discuss ideas/concerns regarding media with Jake Barton and W+Y  
(or authorize artist to contact Jake directly)
- set up meeting(s) to discuss with W+Y and Conservancy:
  - artists design ideas for interior 40 mins
  - design development recap/analysis and the path forward 1 hr
  - roles, responsibilities, boundaries, protocol for feedback and response, desired areas of input 1hr

After April 23rd:

- artist's design development (with possible different fabricator)
- start design documentation for fabrication on sculptures (ASAP)
- future contracts with artist be held directly under Conservancy
- future contracts with artist's fabricators be held directly under Conservancy  
(If artist works with PRG, that they have separate contract under Conservancy for figures/floor)

I hope this is useful, and these changes will pave the way toward a really positive and auspicious process we can all enjoy being a part of.

Again, many thanks,

Barbara